

## The Value Analysis of Rural Food Safety Supervision Mechanism in China

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### Abstract

This paper aims to cognize and appraise the value factors of rural food safety supervision mechanism in China by the method of value analysis for guiding the scientific construction of the effective supervision mechanism of China's rural food safety. The value objective of rural food safety supervision mechanism in China is to practically improve rural food safety condition; moral values appraisal of the mechanism is to ensure the justice in entity and procedure, efficiency in order and profits of the constructed effective supervision mechanism of rural food safety. On account of the two aspects, it is really necessary to construct the effective supervision mechanism of rural food safety in China.

**Key words:** Rural food safety; Value objective; Moral values appraisal; Value analysis

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Value analysis on the economics generally refers to thinking and exploring the values, functions and cost of commodities. It tries to seek the best solution through group activities and brainstorming, and then uses the system division of labor to achieve the target of value promotion or lower cost. Its methods consist of the selection of objects, intelligence gathering and functional analysis. Value analysis is increasingly applied in legal

studies, "Value analysis is the value relationship between the phenomenon or thing as the object and the people as the subject (a certain class, stratum, groups and individuals), that is the cognition and evaluation of the specific objects' embedded and proper value factors."<sup>[1]</sup> "Value analysis is a kind of indispensable basic approach in legal studies."<sup>[2]</sup> The discussed value analysis of rural food safety supervision mechanism in China is to cognize and appraise the value factors of China's rural food safety supervision mechanism by the way of value analysis, reveal the value objective of constructing and perfecting this mechanism, clarify the due moral values appraisal during the construction and perfection process of this mechanism, and accordingly make appropriate, timely and right guidance for the scientific construction of rural food safety effective supervision mechanism in China.

### 1. THE PATH OF VALUE ANALYSIS

The value analysis in law can be made from the two aspects of the cognition of value objective and the evaluation of moral values. They are the basic paths of value analysis with difference and interrelation. The cognition of value objective is expanded with the target of purpose attributes contained in the law phenomenon or system object. "The greatest happiness of all stakeholders is the only correct, appropriate and generally expected purpose of human actions."<sup>[3]</sup> "The general purpose that all laws have or normally should have is to increase the sum of social well-being, and there are four specific purposes, that is, survival, equality, prosperity and security."<sup>[4]</sup> The cognition of different legal phenomena or system objects' value objective is to find out the specific "social well-being" that this phenomenon or object tries to realize, and then explore the moral concepts and standards abided by social relations adjustment and the distribution of rights and obligations among social subjects that such sort of "social well-being" explicitly indicate. The cognition of

value objective should be the foundation of moral values appraisal which is the cause and result of cognizing the value objective.

The evaluation of moral values is discernment and judgment of the moral concepts and standards embedded in law phenomena or system objects. "The main role of value judgment in legal systems their integration in the constitution provisions, laws and regulations, and other kinds of norms as the objective source of judgment. While judges are explaining these sources, they often should make clear the based purposes and value theory that they can be decreed and ratified."<sup>[5]</sup> "The legislators who want to regularize featured life fields by norms are usually guided by norms' attempt, justice or the purpose consideration which are ultimately based on the evaluation. These two situations are not simply applicable norms, rather engaging in the value judgment that should comply with specifications or standards."<sup>[6]</sup> The moral concept and standard like "justice" should become the important indicator of value analysis, but should not be confined to it. "All stakeholders" described by Bentham implies that the people of enjoying "social well-being" should expand as much as possible in number, "justice" that can be realized also should let the relative "justice" in procedure gradually approach the absolute "justice" in entity; "the greatest happiness" shows the pursuit of efficiency, and the realization of efficiency should start with the two aspects of society and the subject itself, namely, the external social order provides the environment of realization and the greatest benefit of the subject itself indicates the result of realization. Of course, the empty theory research won't bring the "growth of social well-being", "the evaluation should be understood as the practice appraisal made by accusing or approving a phenomenon that can be influenced by our actions."<sup>[7]</sup> Furthermore, the accidental conditions of law phenomena or system objects should be combined, and the evaluation of moral values should be made on the basis of specific operational reality.

## 2. THE COGNITION OF THE VALUE OBJECTIVE OF RURAL FOOD SAFETY SUPERVISION MECHANISM IN CHINA

Under the big background that food safety problems have become in increasing concern of the Government and society, urban residents have gradually formed scientific food consumption habits and grasped some food safety knowledge, and the food safety supervision in urban areas has been perfecting. While the unscientific food consumption habits of rural residents are not effectively guided and corrected, and the food safety knowledge of rural residents is relatively poor. Rural areas have been the weak and accident-prone areas of food safety supervision, forged, fake, over due, deteriorated, and three-no food

(without factory name, address, date of manufacture) appear repeatedly in the countryside and especially in less developed areas. Rural food markets generally have not a high degree of standardization and a relatively strong supervision. If this phenomenon continues, it will not only threaten the health of rural residents, but also aggravate the separate condition between the urban areas and rural areas on the food safety problems, and even go against the goal that China constructs the harmonious society and new socialist countryside and realizes the balanced urban and rural development.

Study on food security problems in rural areas of developed countries is few independently done because of their integrated pattern of the city and countryside, but mainly from the macro perspective of national overall food safety. The research content is mostly on the evolution of food safety concept, the countermeasures and methods of solving food safety problems, and particularly puts emphasis on the study of food safety risk management mechanism and the traceable system. In the governmental supervision of food safety, the supervision system built by developed countries gives priority to the preventive control system perfected by various laws and regulations, matched by organizational executive body, and that the government and enterprises gradually build and carry out "Hazard Analysis and Critical Control Point" (HACCP); In the supervision way, they adopt the effective combination of many means like economics, administration and laws. In order to make the best of food safety policy, developed countries started to research the cost efficiency of food safety supervision mechanism in recent years.

Chinese study on rural food safety problems is lagging behind comparing with the macro study of national whole food safety. Since the 1990s, Chinese academic circles began to make research from the macro perspective of national whole food safety and clarify the connotation of food safety from many aspects. The study on food safety supervision focuses on policy description and the analysis of current governmental management dysfunction, and exerts emphasis on the food safety supervision work that should be undertaken by the central government from the macro perspective. However, as far as the study on rural food safety problems, there are more that of macroscopic rural food safety management, and less that of microcosmic research on the fields such as the production, processing, circulation and catering service of rural food, and the quality safety of edible rural food; in theory, many studies are about multi-sides or unitary supervision subjects and system, only a few studies are practically about the supervision mechanism operation and supervision effect of grassroots governments and specific functional departments; moreover, the studies on the evaluation of rural food safety condition are mainly qualitative assessment, and the quantitative assessment is less. In a word, Chinese study on food

safety problems principally focus on the macro level of national whole food safety, and are more applied in urban food safety supervision in the effectiveness of specific countermeasures constrained by the binary pattern of the cities and countryside in China. Hence, the micro level of rural food safety needs to be enhanced; it has been an urgent affair to construct the effective mechanism of rural food safety supervision which is fit for urban and rural coordinated development.

Consequently, it is necessary to seek the constructing pathway and specific measures of effective rural food safety supervision mechanism in China, and put forward constructive opinions and suggestions so as to provide reference for the government to formulate and implement effective rural food safety supervision legal system. The two aspects can be considered being stared with while building the effective rural food safety supervision mechanism in China: Clarifying the guiding idea and basic principles of constructing rural food safety supervision mechanism; and on the basis of complete system of laws and regulations, unified and explicit products quality standard, higher monitoring method and qualified administrators and consumers, by integrating the supervision resources like grassroots industrial and commercial bureau, health stations, agrotechnical stations and herding quarantine stations, forming the rural food safety supervision system which the county (district) governments assume the major responsibility, towns have professional supervision department of food safety and villages have liaison men of rural food safety supervision. And then the value objective of rural food safety supervision mechanism in China can be defined as: Practically improving rural food safety condition in China. Under the active promotion of the government, the particular "social well-being" this mechanism tries to reach includes constructing professional supervision institutions of rural food safety, strengthening food safety concept education of rural residents, remedying rural food production and processing, perfecting the circulation channel of rural food market and standardizing rural catering industry and self-managing banquet.

### **3. THE APPRAISAL OF MORAL VALUES OF RURAL FOOD SAFETY SUPERVISION MECHANISM IN CHINA**

The appraisal of moral values of rural food safety supervision mechanism in China is the discrimination and judgment of moral concepts and norms embedded in this mechanism, and should be began with the two aspects of justice and efficiency, namely ensuring the justice of the constructed effective rural food safety supervision mechanism in entity and procedure and the efficiency in order and benefits. The former as the intrinsic moral value of rural food safety supervision mechanism decides

the essential attributes of this mechanism; the latter can let human reality perception appear relatively specific in general, and becomes the extrinsic moral value of this mechanism, and decides the existence form of this mechanism.

#### **3.1 The Intrinsic Value of Justice**

The value of justice requests that every legal subject should enjoy equal status and freely take part in certain activities to the extent permitted by laws. The pursuit of the justice vale of rural food safety supervision is seeking after urban and rural coordinated development and realizing the relative balance of urban and rural food safety condition, and both the justice in entity and procedure of rural food safety supervision activities should be achieved.

On one hand, the justice in entity means that the guiding idea, basic principles and practice outcome of rural food safety supervision come up to the requirements of justice value. Firstly, in terms of the guiding idea, we must start from facilitating social progress and according with the maximum interests of the majority people, so as to generally promote the effective supervision of rural food safety, improve rural food safety condition and realize the simultaneous advance of urban and rural residents' physical health level. Specifically, we need to improve the cognition condition of rural residents' food safety, form compound supervision system of rural food safety and standardize the various links like rural food production, processing, circulation and catering service. Secondly, in the light of basic principles, we can set the whole-course supervision principle from production to consumption, control principle of food safety risks, open principle of supervision, the principle of supervision performance appraisal and flexible supervision principle. And we must practically adjust measures to local conditions for the rural food safety supervision activities, and abide by the law of natural, social and economic development. Lastly, as to the practice outcome, it's mainly that the practice outcome of rural food safety supervision activities can achieve the expected benefits, and rural food consumers, manufactures and operators, and the supervisors of rural food safety can enjoy its benefits, and then the diversified effective management on the rural food safety problems. The governmental functional departments should be the director of rural food safety supervision activities, and they should push forward other subjects to participate in the supervision through the active actions of related functional departments and motivation means; the manufactures and operators are both the supervision subjects of rural food safety supervision activities and self-disciplined subjects, while actively cooperating with governmental functional departments should realize the self-disciplined supervision via guild; consumers should be the participator of rural food safety supervision activities, should actively join in

the supervision activities with a gesture of master while experiencing and evaluating the supervision actual effect.

On the other hand, the justice in procedure means that the operational procedure of rural food safety supervision should give expression to the justice of procedure based on the consideration of fairness, and make the subjects of many sides carry out related activities in accordance with their own will under the permission of laws. The legal system of rural food safety supervision must set authorized norms for fully ensuring right-owners' freedom to rights and realizing the active participation in the supervision decisions, operation and performance assessment in the whole process of the many parties rural food safety supervision and especially the consumers in the weak position. In the decision-making stage, we must let relevant subjects participate in the decision demonstration together, fully consult the problems like the feasibility, design, the setting of rights and obligations and budgeting of specific supervision measures, and reach the maximum common view; in the operational stage, it must be implemented in an organized way according to the established guiding idea, basic principles and the design of supervision measures, so as to guarantee the measures live up to the schedule request and design intention; in the stage of performance assessment, we must ensure that the specific solutions of rural food safety supervision achieve the expected goal, accomplish the established task and bring about proper benefits.

### 3.2 The Extrinsic Value of Efficiency

The value of efficiency asks for realizing the best distribution of rights and obligations of subjects of legal relation, guiding the reasonable allocation of social resources and then building the ideal social order with the least cost of legislation, law enforcement and judicature. Pursuing the efficiency value of rural food safety supervision refers to bringing about the maximum benefits of rural food safety supervision activities on the basis of setting up perfect rural food safety legal order.

On one hand, in light of the procedure, the legal order of rural food safety refers to the general term that rural food safety supervision mechanism interacts with elements such as social politics and economy in the operation process, and then generates orderly actions and forms social relations in social life. It aims to prevent the disorder and chaos in rural food safety supervision activities and achieve the order of national management, economic development and social progress. It is comprised of the action order and relation order of rural food safety supervision. The action order of rural food safety supervision demands actors to act according to the mode set or led by laws. The principled provisions of Chapter one of Food Safety Law of the People's Republic of China define the supervision action of food safety as the compound action of many-sides subsection

management and autonomy. The action attributes decide that in rural food safety supervision activities the compound rural food safety supervision mode should be set, led by the collaborative supervision of each relevant functional department in governments, with the subject of social supervision and the basis of market supervision and rural residents' effective participation in supervision. The relation order of rural food safety supervision is the specific legal relation of rural food safety supervision generated on account of legal rules, mainly the relations of rights and obligations among rural food consumers, manufactures and rural food safety supervisors. This legal relation is relatively complicated, and must standardize and confirm the demarcation and classification examination of supervising limits of authority, ways and procedures adjusted by related authority organs, the execution and supervising execution specific supervision measures, opening supervision information, achieving self-disciplined supervision, penalty and relief.

On the other hand, as far as the benefits is concerned, the benefits of rural food safety supervision activities claims all rural food safety supervision activities should put making the best of various supervision resources, reducing the supervision cost to the hilt and realizing the continuous improvement of rural food safety conditions under the legal order of rural food safety as the goal. The maximum benefits of rural food safety supervision activities attained in the legal order of rural food safety includes the maximum economic benefits, social benefits and environmental benefits. Realizing economic benefits is mainly to achieve the optimized allocation of relevant supervision resources, the evaluation standard is the rationality of specific supervision measures in cost and its contribution degree to improving rural food safety conditions; realizing social benefits mainly means lessening the urban and rural gap of food safety conditions, improving the physical health level of rural residents, and promoting the scientific development of rural food production, processing and circulation; realizing environmental benefits is mainly reflected in the natural environment and humanist environment related to rural food safety, and needs to facilitate the greening, organification and non-pollution of rural food production, processing and circulation, cultivate the subject consciousness and right consciousness of rural food consumers, enhance the sense of social responsibility and self-discipline of rural food manufacturers and operators, and advance the sense of mission and servant of rural food safety supervisors. The maximum benefits of ultimately realizing rural food safety supervision activities is to bring about the relative balance of urban and rural food safety conditions, promote urban and rural coordinated and sustainable development, and build an omnibearing harmonious society.

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